



APPLICATION FOR VARIANCE

State Form 44400 (R6 / 6-12)

Approved by State Board of Accounts, 2012

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICES SECTION
302 West Washington Street, Room W246
Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/fp_bs_comm_code/



INSTRUCTION: Please refer to the attached four (4) page instructions.
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

14-12-05

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of the applicant Middlebury Community Schools	Title
Name of organization	Telephone number (574) 825-9410
Address (number and street, city, state, and ZIP code) 56853 Northridge Drive, Middlebury, In, 46540	

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of person on behalf of the applicant Jeff Palmer	Title Director of Buildings and Grounds
Name of organization Middlebury Community Schools	Telephone number (574) 825-9410
Address (number and street, city, state, and ZIP code) 56853 Northridge Drive, Middlebury, In, 46540	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Name of organization	Telephone number ()
Address (number and street, city, state, and ZIP code)	

4. PROJECT IDENTIFICATION

Name of project York Elementary School	State project number	County Elkhart
Site address (number and street, city, state, and ZIP code) 13549 State Road 120 Bristol, In, 46507		
Type of project: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> Existing		

5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

- ☒ A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)
- ☒ One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- ☒ Written documentation showing that the local fire official has received a copy of the variance application.
- ☒ Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order?

☐ Yes (if yes, attach a copy of the Correction Order) ☒ No

Has a violation been issued? ☒ Yes (if yes, attach a copy of the Violation and answer the following) ☐ No

Violation issued by: ☐ Local Building Department ☒ State Fire and Building Code Enforcement Section
☐ Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved

Sec. 703.2 2008 Edition

Specific code section

IFC 675 IAC 22-2.4

Nature of non-compliance (*include a description of spaces, equipment, etc. involved as necessary*)

A magnetic strike plate cover with a pull handle was placed over the strike plate to allow student to enter the classroom freely from the hallway while the door was locked from the outside. In the event of lock down, for example an active shooter, the magnet can be removed quickly to make the door locked from the hallway. The magnet does not alter the function of the door as an exit and the classroom lock unlocks when the handle is engaged like designed.

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED

Select one of the following statements:

- ☒ Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
- ☐ Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (*be specific*).

Facts demonstrating that the above selected statement is true:

The magnetic strike plate cover with a pull handle does not alter the function of the door as an exit. It only alters the function of the strike into the strike plate while the room is being occupied. The device is not in place to function when no one is in the classroom. This allows the door to shut and latch to contain a fire as designed.

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE


Select at least one of the following statements:

- ☐ Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of physical limitations of the construction site or its utility services.
- ☐ Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of major operational problems in the use of the building or structure.
- ☐ Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of excessive costs of additional or altered construction elements.
- ☐ Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:


10. STATEMENT OF ACCURACY

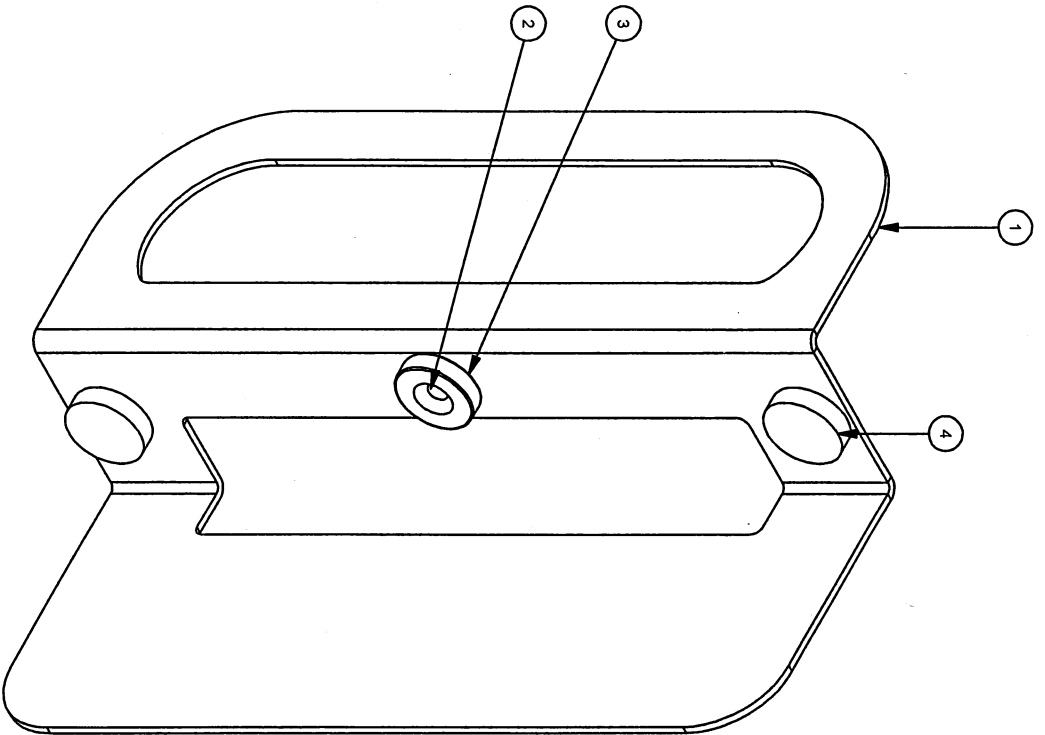
I hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application	Please print name	Date of signature (month, day, year)
	Jeff Palmer	10/23/14
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

11. STATEMENT OF AWARENESS (*If the application is submitted on the applicant's behalf, the applicant must sign the following statement*)

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.


Signature of applicant	Please print name	Date of signature (month, day, year)
	Jeff Palmer	10/23/14

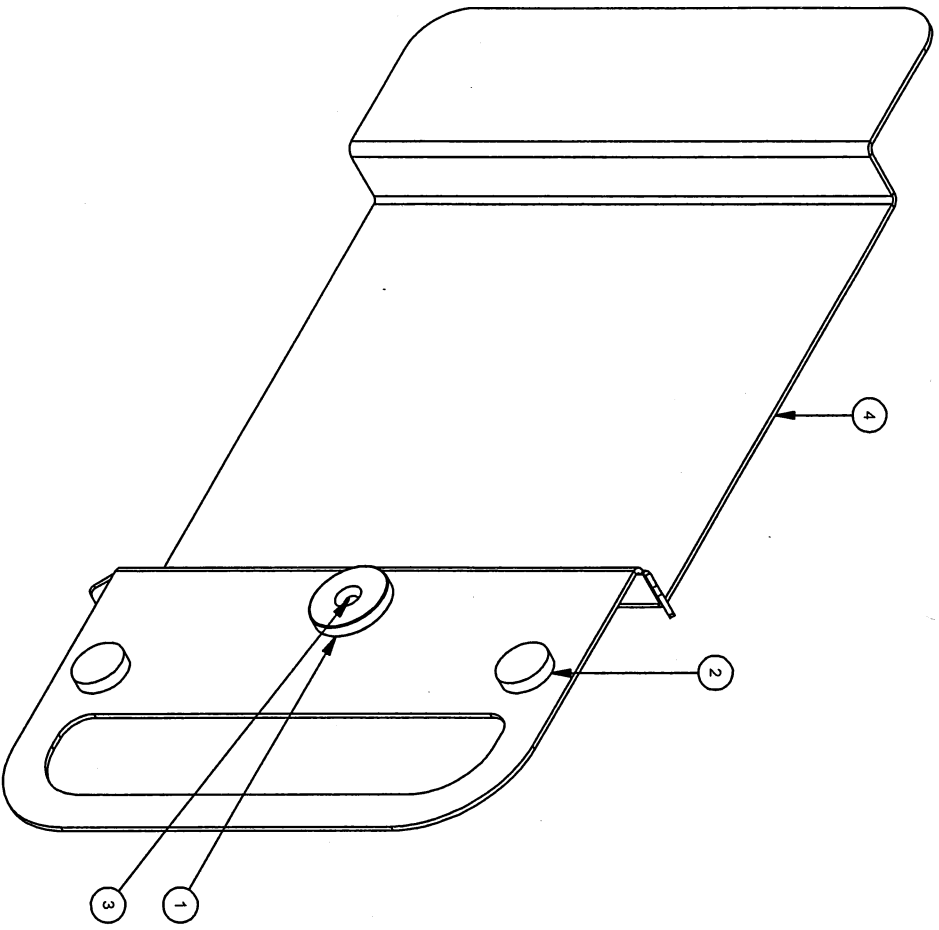


NOTE:
FLAT SIDE OF RIVET ON MAGNET

Parts List

ITEM	PART NO.	DESCRIPTION	LENGTH/NOTE	QTY
1	1024626	DOOR LOCK FORMED		1
2	0219000	RIVET, POP .094X.24 AL/AL .094-.125		1
3	0193009	MAGNET, 1/2"DIA x 1/8"THICK		1
4	0199266	BUMPER, SBR RUBBER, PUSH IN FLAT		2

DRAWN BY GARBER		DATE 4/24/2013	PAGE 2	CUSTOMER NAME MIDDLEBURY COMMUNITY	 L&W ENGINEERING 107 INDUSTRIAL PARKWAY MIDDLEBURY, IN 46540	
TITLE DOOR LOCK ASSM			MATERIAL STEEL		FINISH	COATING NO.
MODELS			CUSTOMER PART NO.	L&W PART NO. 1024625		

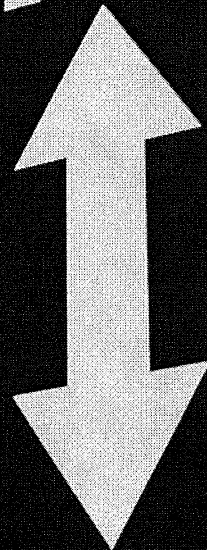


NOTE:
FLAT SIDE OF RIVET ON MAGNET

Parts List					
ITEM	PART NO.	REV	DESCRIPTION	LENGTH/NOTE	QTY
1	0193008		MAGNET, 3/4"DIA x 1/8"THICK		1
2	0199266		BUMPER, SBR RUBBER, PUSH IN FLAT		2
3	0219000		RIVET, POP .094X.24 AL/AL .094-.125		1
4	1024864		DOOR LOCK OUTSWING, FORMED		1

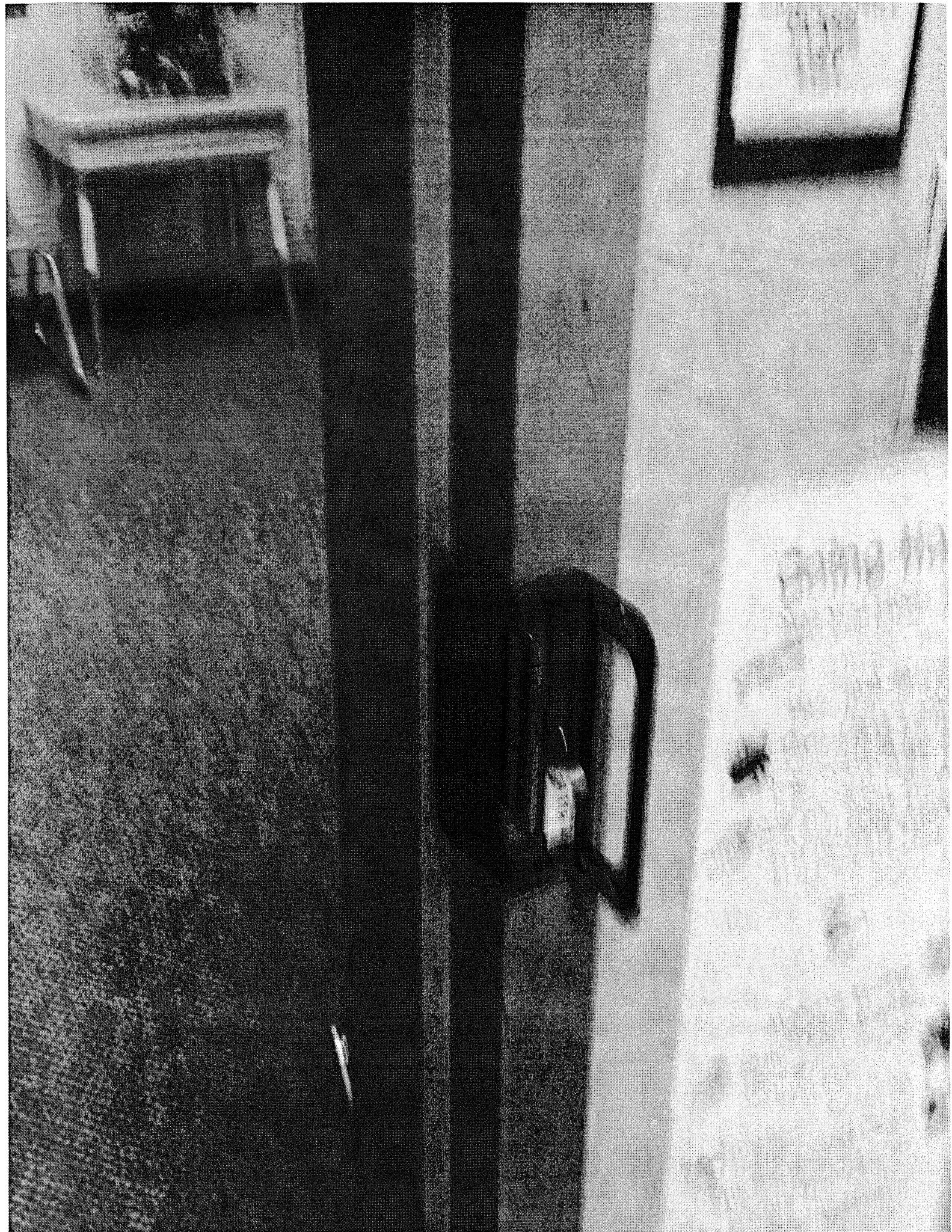
DRAWN BY		DATE	PAGE	CUSTOMER NAME	TITLE	
GARBER		5/22/2013		MIDDLEBURY	DOOR LOCK OUTSWING: ASSM	
COMMUNITY					L&W ENGINEERING	
					107 INDUSTRIAL PARKWAY	
					MIDDLEBURY, IN 46540	
					STEEL	
					FINISH	
					COATING NO.	
					1024863	
					REV	

SLIDE



SLIDE

Room 104



EMERGENCY
CLASS
1181

Going Home...

See you later, Allstate

Bye Bye, But let By

Give a big Ladybug

Take care, Dear Bear

See you soon, Lorraine

In a brand new



FIRE AND BUILDING CODE ENFORCEMENT INSPECTION REPORT ORDER

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number SC1697	Name of the facility YORK ELEMENTARY SCHOOL	County ELKHART
Address of Property 13549 S. R. 120 BRISTOL 46507	Name of the Contact YVONNE BULLER	Telephone Number (574) 825-5312
Email bullery@mcsin-k12.org	Inspection Date 08/26/2014	
Inspection Category SCHOOL	Inspection Type ANNUAL	Inspection Status: VIOLATION
Name of the inspector GEARALD PUFFER		Phone: 3174473936
Email: GPUFFER@DHS.IN.GOV		

Violations

VIO- LATION NUMBER	RULE OR INDIANA CODE SECTION VIOLATED	DESCRIPTION OF VIOLATION	DATE BY WHICH VIOLATION MUST BE CORRECTED
1	Sec. 315.2.1 2008 Edition IFC 675 IAC 22-2.4	Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings. Exception: Sidewall storage to a maximum depth of thirty (30) inches (seventy-six and two-tenths (76.2) centimeters) of in-rack storage shall be acceptable to the ceiling in sprinklered buildings. <u>Storage of combustible materials in all storage rooms shall comply with the above code reference. Found several storage rooms throughout the building with combustible material store to the ceiling level. Reduce combustibles to comply with the code.</u>	09/23/2014
2	465 IAC 2-9-89(e)	The fire extinguishers shall be plainly visible and easily accessible at all times. <u>Fire extinguishers shall be plainly visible at all times. There needs to be a sign in the Art room where the kiln is located that there is an "EXTINGUISHER INSIDE" since it is located behind the door.</u>	09/23/2014
3	Sec. 605.3.1 2008 Edition IFC 675 IAC 22-2.4	Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident. <u>All doors into electrical control panel room shall be marked with a sign stating ELECTRICAL ROOM as required by the above code reference.</u>	09/23/2014
4	2008 Edition IMC 675 IAC 18-1.5	504.6 Domestic clothes dryer ducts. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of 4 inches (102 mm) in diameter. The entire exhaust system shall be supported and secured in place. The male end of the duct at overlapped duct joints shall extend in the direction of airflow. Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths	09/23/2014

		<p>not to exceed 8 feet (2438 mm) and shall be listed and labeled for the application. Transition ducts shall not be concealed within construction.</p> <p>504.6.1 Maximum length. The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet (7620 mm) from the dryer location to the outlet terminal. The maximum length of the duct shall be reduced 2½ feet (762 mm) for each 45 degree (0.79 rad) bend and 5 feet (1524 mm) for each 90 degree (1.6 rad) bend. The maximum length of the exhaust duct does not include the transition duct. Exception: Where the make and model of the clothes dryer to be installed is known and the manufacturer's installation instructions for such dryer are provided to the code official, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacturer's installation instructions. Where exhaust ducts are installed in concealed locations, the developed length of the exhaust duct system shall be indicated by permanent labels or tags installed in an observable location.</p> <p><u>Clothes dryer vent hose shall comply with the above code reference.</u> <u>Found the clothes dryer vent hose was expandable plastic and needs to comply with the code above.</u></p>	
5	Sec. 605.1 2008 Edition IFC 675 IAC 22-2.4	<p>Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the code official responsible for enforcement of the ICC Electrical Code. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.</p> <p><u>Identified electrical hazards shall be abated per the above code reference. Found several GFCI receptacles would not operate as designed to trip the circuit. One is in the Girls restroom in the newer West wing. Also school needs to verify that receptacles 6 feet or closer to a sink are on a GFCI circuit and when verified need a sticker (stating GFCI protected or similar) on the face of the cover.</u></p>	09/23/2014
6	Sec. 605.4.2 2008 Edition IFC 675 IAC 22-2.4	<p>Relocatable power taps shall be directly connected to a permanently installed receptacle.</p> <p><u>Relocatable power taps shall be directly connected to a permanently installed receptacle. Found two relocatable power taps in room 116 connected to another power tap. Remove these two and connect directly to a permanent receptacle.</u></p>	09/23/2014
7	Sec. 703.2 2008 Edition IFC 675 IAC 22-2.4	<p>Opening protectives shall be maintained in accordance with the rules of the commission. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.</p> <p><u>Fire door assemblies shall not be modified as per the above code reference. Found classroom doors had been modified to allow unapproved hardware to be installed over the latching plate to enable the doors to close but not latch. These unapproved hardware items would be slid down away from the latching plate and the door would latch into the plate in the event of a terrorist attack such as a shooter. Door jamb had been modified to enable the hardware to slide out of the way.</u></p>	09/23/2014
8	Sec. 703.2.3 2008 Edition IFC 675 IAC 22-2.4	<p>Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.</p>	09/23/2014

		<p><u>Swinging fire doors shall close and latch from the full open position. Found the fire doors to the corridor going to the dining room would not close and latch from the full open position. Also found all classroom doors had unapproved hardware installed over the latch plate making it impossible for the latch mechanism to engage the latch plate for the door to operated as designed.</u></p>	
9	<p>Sec. 1008.1.8.5 2008 Edition IFC 675 IAC 22-2.4</p>	<p>The unlatching of any door or leaf shall not require more than one operation. Exceptions: 1. Places of detention or restraint. 2. Where manually operated bolt locks are permitted by Section 1008.1.8.4. 3. Doors with automatic flush bolts as permitted by Section 1008.1.8.3, Exception 3. 4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1008.1.8.3, Exception 4.</p> <p><u>The unlatching of any door shall not require more than one operation as indicated in the above code reference. Found the restroom door for the faculty at the South West side had a latch bolt added to it on the inside of the door. Also found the same situation for the air handler room next to that door.</u></p>	09/23/2014
10	<p>Sec. 605.5 2008 Edition IFC 675 IAC 22-2.4</p>	<p>Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.</p> <p><u>Extension cords shall not be a substitute for permanent wiring. Found brown extension cord in room 106 and a white extension cord in room 115. Remove all extension cords from the facility.</u></p>	09/23/2014
11	<p>Sec. 807.1 2008 Edition IFC 675 IAC 22-2.4</p>	<p>In occupancies in Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible. In Groups I-1 and I-2, combustible decorative materials shall meet the flame propagation criteria of NFPA 701 unless the decorative materials, including, but not limited to, photographs and paintings, are of such limited quantities that a hazard of fire development or spread is not present. In Group I-3, combustible decorative materials are prohibited. Fixed or movable walls and partitions, paneling, wall pads and crash pads, applied structurally or for decoration, acoustical correction, surface insulation or other purposes, shall be considered interior finish if they cover 10 percent or more of the wall or of the ceiling area, and shall not be considered decorative materials or furnishings. In Group B and M occupancies, fabric partitions suspended from the ceiling and not supported by the floor shall meet the flame propagation performance criteria in accordance with Section 807.2 and NFPA 701 or shall be noncombustible.</p> <p><u>Curtains in all rooms shall meet the above code reference for flame propagation. School shall provide substantiation of the curtains in the rooms and the drapes in the gymnasium meeting the above code. Curtains that do not meet these standards shall be removed or shall be treated with proper fire retardant material. Records shall be kept and supplied to the code official verifying compliance to the code.</u></p>	09/23/2014

Facility Id

Received By Name

Signature and Date

SC1697

APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this Order prior to filing a petition for review. Such informal discussion, or a request therefor, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.